

**WAUKESHA COUNTY
MINUTES OF THE PARK AND PLANNING COMMISSION
ADMINISTRATION CENTER
THURSDAY, JANUARY 15, 2009 1:00 P.M.**

CALL TO ORDER

Pat Haukohl, Chairperson, called the meeting to order at 1:00 p.m.

Commission

Members Present: Pat Haukohl Jim Siepmann Bob Peregrine (arrived 1:05)
Gary Goodchild Walter Kolb Bonnie Morris Bill Mitchell

Commission

Members Absent: None.

Staff

Members Present: Richard L. Mace, Planning and Zoning Division Manager
Elfriede Sprague, Clerk III
Kathy Brady, Secretary Supervisor

Guests Present: Keith Kindred Greg Essig Jack Soderberg
Bill Duchwitz Mark Augustine Dennis Evinrude Tom Halquist

CORRESPONDENCE:

The Commission was asked if any one wished to renew their National Recreation and Park Association Membership.

The Commission expressed no interest in renewal of their memberships.

Distributed a Notice of Public Hearing to be held on January 27, 2009 at the Muskego City Hall regarding a Sanitary Sewer Service Amendment.

MINUTES:

• *Mr. Siepmann moved, seconded by Mr. Mitchell and carried unanimously for approval of the December 11, 2008, Public Hearing Minutes*

PUBLIC COMMENT

Chairperson Haukohl asked if anyone from the audience wished to address the Commission? There being none, she moved to the next item on the agenda.

• **ZT-1681 (Halquist Stone), Town of Lisbon, Section 34, (Residence A-2 District to the Quarrying and Conservancy Districts)**

Mr. Mace presented the "Staff Report and Recommendation" dated January 15, 2009, and made a part of these Minutes. He pointed out the location of the property on the south side of C.T.H. "K" west of the existing quarry and east of Swan Rd. in Section 34 of the Town of Lisbon on the aerial photograph.

Mr. Mace stated the properties proposed to be rezoned are owned by Halquist Stone. It is the intent of the petitioner for the lands to remain in residential and agricultural use, however, in the long term, they intend to expand the quarry into the rezoned lands, with the exception of the PEC and wetlands, in accordance with the conditional use regulations and approvals of the Town and County. The area was

the subject of a Land Use Amendment in 2008 and the rezoning complies with the Plan Amendment. Mrs. Haukohl asked if the County would review the Reclamation Plan? Mr. Mace replied the Land Resources Division would, as it is required under NR135, unless the Town elects to do their own.

After discussion, Mrs. Morris moved, seconded by Mr. Peregrine and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **SZ-1466A (Frank Gross), Town of Lisbon, Section 11**

Mr. Mace presented the “Staff Report and Recommendation” dated January 15, 2009, and made a part of these Minutes. He pointed out the location of the property at N80 W23792 Plainview Rd. in Section 11, Town of Lisbon and stated the petitioner is requesting to amend a condition of approval of SZ-1466 to allow three access points onto Plainview Rd.

Mr. Mace explained at the time of the original rezone request, the petitioner was proposing to develop an approximate seven-lot subdivision off a cul-de-sac. This would require one new access road and allow the petitioner to keep the two accesses to his residence. However, since then the petitioner has revised his plans and is proposing a five-lot land division by Certified Survey Map (CSM), which would include the original homestead. The two westernmost access points will have shared driveways with two users each and the westerly access to the petitioner’s homestead residence will be eliminated; therefore, the proposal will still only have three access points unto Plainview Road. Plainview Road is currently under the jurisdiction of the Town of Lisbon, and the request for three access points complies with the Town Code. In the event Waukesha County would obtain responsibility for the road in the future, in accordance with the Jurisdictional Highway Plan, the County would only allow two access points when developing this property. Mr. Mitchell asked if the CSM would address the shared driveways. Mr. Mace replied it would. The Commission thought a Shared Driveway Agreement should be required on the CSM. Mr. Goodchild stated this is usually taken care of at the Town level when approving the CSM.

After discussion, Mr. Goodchild moved, seconded by Mr. Siepmann and carried unanimously for approval, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioner a reasonable use of his land and meets the intent and purposes of all County Ordinances.

- **SCU-1502 (Ausblick, Inc.) Town of Lisbon, Sections 20 and 29**

Mr. Mace presented the “Staff Report and Recommendation” dated January 15, 2009, and made a part of these Minutes. He pointed out the location of the property at W260 N6395 Mary Hill Rd. in Sections 20 and 29 in the Town of Lisbon on the aerial photograph, and stated the petitioner is requesting Conditional Use approval for multiple improvements to the ski club property including a new after the fact ski lodge, maintenance building, pump house, and parking area.

Mr. Siepmann recused himself stating he is a member of Ausblick. Mrs. Haukohl questioned why the Commission is voting on this request, when Condition No. 21 requires a Land Use Plan Amendment approval and the recordation of the CSM first. Mr. Mace replied the Land Use Plan Amendment does not affect the request, the use is allowed in the existing zoning with conditional use approval. Ausblick has purchased additional property from Bielinski and the Land Use Plan Amendment is to make the newly purchased land be consistent with the existing ski hill property. No permits will be issued until all the conditions have been complied with. Mr. Mitchell questioned the clubhouse request being after the

fact. Mr. Siepmann replied Ausblick did not know when they built the clubhouse that there was a pond on the Bielinski property to the north, placing the clubhouse within the Shoreland jurisdiction. The Shoreland zoning just touches the back of the lodge. Mr. Mitchell commented Condition No. 8 allows music from 7:00 a.m. to 11:30 p.m., however Condition No. 23 states any noise shall be at an acceptable level as determined by the Town Plan Commission. Why is there a separate condition allowing music until 11:30 p.m. when the noise levels still need to be determined by the Town? He felt the Town should still have control over how the neighbors are going to react to the noise first. Mrs. Haukohl agreed with Mr. Mitchell that the two conditions seem to be contradictory. Mr. Siepmann commented the ski hill has never received any complaints regarding noise.

Mrs. Haukohl asked if DNR approval was required to dig the new pond? Mr. Mace replied, “No”, the area is not considered wetland. Mr. Evinrude, manager of Ausblick, explained the existing pond is mapped on the DNR site as a wetland, however he has talked to the DNR and the new pond will meet the exemption for a “cooling pond” from the wetland code. He explained a cooling pond is a man made pond that cools water prior to it being used for snowmaking. The existing pond at the top of the hill will be filled in to allow for a new chair lift. The new pond will be relocated to a lower elevation on the west central part of the site. Mrs. Haukohl noted Condition No. 19 included a question regarding the restoration of the parking area. Mr. Evinrude assured her that no trees are proposed to be removed along Mary Hill Road where the subject lot is located. He brought up a concern that the proposed berm by the cooling pond will encroach slightly into the required 30 ft. wetland buffer zone and would like to see the condition amended. Mr. Mace replied any grading activities regarding the pond and the fill placement will have to be worked out with the Town Engineer.

Mrs. Haukohl noted Conditions No. 26, 27, and 28 address the INRA area and questioned whether there would be any disturbance of the area. Mr. Evinrude replied the INRA area would act as a buffer to the ski hill and there should be no disturbance. She noted Condition No. 27 contains the word “should” and would like it changed to “shall” to avoid any misunderstanding of what is being required.

After discussion Mrs. Haukohl moved, seconded by Mr. Mitchell to change the words “should” to “shall” in two places in Condition #27. The motion carried with 6 yes votes (Mr. Siepmann recused himself from the vote)

Mr. Evinrude stated that per Condition No. 2, the club is required to install a grease interceptor for the grills. The kitchen is used for the members to prepare their own foods and there is no food service. He would like to see the requirement eliminated as the facility is already completed and has poured concrete floors, making after the fact installation of the grease trap difficult. Discussion ensued regarding the requirement of the grease trap and he was told that this is a requirement of the Town and the Environmental Health Division and he would have to work it out with them. The Commission agreed there would be no need to return to them for further approvals when Ausblick comes to an agreement with the Town and the Environmental Health Division.

He continued that Condition No. 5 states, “one special event for members only may be allowed”. He would like to see it amended to include visiting team members and member’s guests. Mr. Siepmann added in the past there have been more than one racing event per year and Ausblick may also wish to ask the Town to amend the number of events to allow for more than one per year. The Commission had no objection to the amendment; however, it was stated the number of events and who is invited would have to be worked out with the Town. Again, there would be no need for the petitioner to come before the Commission for approval of the change.

After further discussion, Mrs. Morris moved, seconded by Mr. Mitchell and carried with 6 yes votes (Mr. Siepmann recused himself from the vote) for approval as conditioned in accordance with the “Staff Report and Recommendation” with the change to Condition #27. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **PO-08-LSBT-06 (Ausblick, Inc.) Town of Lisbon, Sections 20 and 29**

Mr. Mace presented the “Staff Report and Recommendation” dated January 15, 2009, and made a part of these Minutes. He stated the request was related to the previous Conditional Use SCU-1502.

After further discussion, Mr. Kolb moved, seconded by Mr. Peregrine and carried with 6 yes votes (Mr. Siepmann recused himself from the vote) for approval as conditioned in accordance with the “Staff Report and Recommendation” and changing the word “should” to “shall” in two places in Condition #27. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **SCU-0038B (Western Lakes Golf Course) Town of Delafield, Sections 23 and 24**

Mr. Mace presented the “Staff Report and Recommendation” dated January 15, 2009, and made a part of these Minutes. He pointed out the location of the property at W287 N1963 Oakton Rd. in the Town of Lisbon, and stated the petitioner is requesting approval for land altering activities in conjunction with dredging an existing pond adjacent to Zion Creek and constructing a berm with the dredged material.

Mr. Mitchell questioned why the Town’s Condition No. 7 was not just changed on the existing conditional use agreement? Mr. Augustine, Yaggy Colby, replied because the proposed dredging operation needs approval from the County also, not just Town approval. The language has to be changed to incorporate the County as well into the conditional use. Mr. Peregrine asked where the dried sediment would be relocated to? Mr. Augustine presented the project plans and identified the pond to be dredged and the area for the construction of the berm made with the dried out material. He added there are no mapped floodplains in the area.

Mrs. Haukohl asked where the existing irrigation pond in Zion Creek is? He identified it on the plans and the proposed location of the new one, in the same area as the old one. He stated the current intake for the pump is in the creek and the intent is to have it be relocated into the pond. Mr. Mace added the creek and the pond are connected. Mr. Essig, Western Lakes, stated a Site Plan/Plan of Operation is being required prior to the installation of the new pump house and asked for clarification. Mr. Mace replied the future pump station is in discussion internally. In theory, it is supposed to be setback 75 ft. from the ordinary high water mark and this setback distance cannot be met unless it is moved. There are other provisions in the County Code that allow “non habitable water dependent structures” within the 75 ft. setback. The Planning and Zoning Division Staff is requesting an opinion from the Waukesha County Corporation Counsel to help determine if this qualifies as a water dependent structure. Mr. Augustine added they are also looking at other options. Mrs. Haukohl asked if the DNR was ok with the plan. Mr. Essig replied that Andy Hudak, from the DNR, has indicated it would be okay. Mr. Mace interjected the DNR may not be, because the size and the location of the new pump house were not given to the DNR on the plan. The Staff is looking to see what can be done to allow for the construction of the new pump house while being compliant with the Shoreland and Floodland Protection Ordinance. A Zoning Permit will need to be issued prior to it’s construction.

After discussion, Mr. Peregrine moved, seconded by Mr. Goodchild, and carried unanimously for approval, as conditioned, in accordance with the “Staff Report and Recommendation”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.

- **SCS-1085 (Neil Guenther and Nancy Jablonski) Town of Delafield, Section 1**

Mr. Mace presented the “Staff Memorandum” dated January 15, 2009, and made a part of these Minutes. He pointed out the location of the property of Section 1, of the Town of Delafield and stated the petitioner is requesting approval to reconfigure two existing lots, resulting in the creation of a lot not abutting a public road. The Commission felt the reconfiguration of the property would allow the petitioner to make the best use of the lots, as both lots contain large amounts of Environmental Corridor and some steep slopes. The CSM places the building pads outside of the Environmental Corridor and a Driveway Maintenance Agreement is being required.

After discussion, Mr. Mitchell moved, seconded by Mrs. Morris, and carried unanimously for approval, as conditioned, in accordance with the “Staff Memorandum”. The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances

- **Amendment to the Regional Water Quality Management Plan for the City of New Berlin**

Mr. Mace presented the “Amendment to the Regional Water Quality Management Plan for the City of New Berlin” dated December 2008, and made a part of these Minutes. He identified the two areas to be added to the sewer service area, an approximate 4 acre parcel located along Beloit Road in Section 27 that is envisioned to be redeveloped for light industrial use and 41 acres in Section 34 that includes the recently constructed BuySeasons facility, which is currently on a holding tank. Other vacant lands that would be available for expansion of the facility were also included.

After discussion Mr. Siepmann moved, seconded by Mr. Goodchild and carried unanimously for approval in accordance with the “Staff Report and Recommendation”.

- **Update of County Development Plan Process**

Mr. Mace reminded the Commission there is a meeting on Thursday, January 22, 2009 to consider the County Development Plan. There may be a quorum of the LUPE Committee present; however, it will not be a joint meeting. Mrs. Haukohl stated that new public comment would be entertained at the hearing if it was not heard at the previous public hearing.

ADJOURNMENT

With no further business to come before the Commission, Mr. Goodchild moved, seconded by Mrs. Morris to adjourn at 2:45 p.m.

Respectfully submitted,

Bonnie Morris
Secretary

BM:es

N:\PRKANDLU\Minutes - Final\Park & Planning Commission\2009 Minutes\2009 01 15 Minutes.doc